

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of :
Barbara Miller et al. :
Serial No.: 09/623,568 :
Filed: August 31, 2000 :
For: USE OF A HUMAN HOMOLOG OF A :
NUCLEAR MIGRATION GENE FOR :
TREATMENT AND DIAGNOSIS OF :
CANCER :

COMMUNICATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is in response to the Notification of Missing Requirements under 35 U.S. §371 in the United States Designated/Elected Office (DO/EO/US) dated October 23, 2000 (copy enclosed). The Notification stated that the Declaration submitted previously was defective, and that a new Declaration was required.

Please find enclosed herewith two declarations executed by the inventors Barbara Miller and Stephen Osmani.

With the submission of these declarations, it is believed that all requirements under 35 U.S.C. §371 have been met.

A separate Petition for Extension of Time under 37 C.F.R. 1.136(a) for four months is enclosed. The Commissioner is authorized to charge any fees associated

with responding to this Notification of Missing Requirements to Deposit Account No. 50-1089. A duplicate copy of this Communication is enclosed for accounting purposes.

Respectfully submitted,



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Certificate of Mailing Under 37 C.F.R. 1.10

EXPRESS MAIL NO.: **EL582441805US**

Date of Deposit: March 23, 2001

I hereby certify that this paper, along with any paper referred to as being attached or enclosed and/or fee is being deposited with the United States Postal Service, "Express Mail - Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date March 23, 2001 Signature Sherry Barag

Sherry Barag
Type or print name of person

09/623568

#2



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

09/623,568

B 98-1895

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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THOMAS J MONAHAN
THE PENNSYLVANIA STATE UNIVERSITY
113 TECHNOLOGY CENTER
UNIVERSITY PARK PA 16802-7000

5071

PCT/US92/04996 INTERNATIONAL APPLICATION NO.

LA. FILING DATE 03/05	PRIORITY DATE 03/05/98
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10/23/00

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.
- Copy of the international application in:
 - a non-English language.
 - English.

- Translation of the international application into English.
- Oath or Declaration of inventor(s) for DO/EO/US. *DEFECTIVE*
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed _____ and _____.
- Information Disclosure Statement(s) filed _____ and _____.
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed _____.
- Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report and copies of the references cited therein.
- Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. *then we only 2 INVENTOR LISTED ON Pub sheet YOU HAVE 5 INVENTOR ON DEC.*
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875

FORM PCT/BO/EO/905 (December 1997)

Vonda M. Wallace
Paralegal Specialist
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BEST AVAILABLE COPY